

So Ordered.

Dated: December 20th, 2019



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **18-02224-FPC11**

DAVID D. & CORAL RENE' CEBERT,
d/b/a VU MUSIC,

Chapter 11

Debtors.

FINDINGS OF FACT

THIS MATTER § coming before the Court for hearing on November 25, 2019 upon the issues raised by Debtors' request for confirmation of Debtors' Third Amended Plan of Reorganization filed herein on December 19, 2019 [ECF 391] (hereinafter the "Plan"), and based upon the evidence produced, the Court now makes the following:

FINDINGS OF FACT

1. The Debtors' Plan was submitted to Creditors and other parties in interest;
2. The Plan has been accepted in writing by the creditors and equity security holders whose acceptance is required by law;

Findings of Fact-1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 3. The provisions of Chapter 11 of the United States Code have been complied
2 with and the Plan has been proposed in good faith and not by any means forbidden by
3 law;

4 4. (a) Each holder of a claim or interest has accepted the Plan or will receive or
5 retain under the Plan property of a value, as of the effective date of the Plan, that is not
6 less than the amount that such holder would receive or retain if the Debtors were
7 liquidated under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate
8 unfairly, and is fair and equitable with respect to each class of claims or interests that is
9 impaired under, and has not accepted the Plan;

10 5. All payments made or promised by the Debtors or by a person issuing
11 securities or acquiring property under the Plan or by any other person for services or for
12 costs and expenses in, or in connection with, the Plan and incident to the case, have been
13 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed
14 after confirmation of the Plan, will be subject to approval of the Court;

15 6. Confirmation of the Plan is not likely to be followed by the liquidation, or the
16 need for further financial reorganization of the Debtors, or (b) if the Plan is a plan of
17 liquidation or partial liquidation, the Plan sets a time period in which liquidation will be
18 accomplished, and provides for the eventuality that the liquidation is not accomplished in
19 that time period;

20 7. Pursuant to the Plan, the following acts or events constitute substantial
21 consummation of the Plan: sixty (60) days following Confirmation, provided that Debtors
22 have paid all installments provided by this Plan to be paid within that time;

23
24
25 Findings of Fact-2

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 8. Creditors were given Notice of Confirmation and no objections thereto were
2 made or have otherwise been withdrawn except the objections of Axtel Scientific, John
3 Wayne Kennedy, Patrick Kennedy, Sandra Kennedy, and Mitigation of Disease, Inc. [ECF
4 371 and 374], which objections should be and have been overruled; and

5 9. It is proper that the Plan be confirmed.

6 ///END OF ORDER///

7
8 PRESENTED BY:

9
10 SOUTHWELL & O'ROURKE, P.S.

11 BY: /s/ Dan O'Rourke
12 DAN O'ROURKE, WSBA #4911
13 Attorneys for Debtors
14
15
16
17
18
19
20
21
22
23
24
25

Findings of Fact-3

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159